



Court Order Delayed Registration Of Fetal Death



Upon request, this document will be made available in Braille, large print, audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Department of Public Health
Vital Records - M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/default.aspx>

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Court Order Delayed Registration of Fetal Death

If a fetal death was never registered, or there is no record of the fetal death on file, what can I do?

- A Court Order Delayed Registration of Fetal Death is a way to register a California fetal death when it was not previously registered, or a certified copy is not obtainable.
 - Any beneficially interested person can petition the Superior Court to judicially establish the fact of a fetal death at any time after the event has occurred.
 - This must be done in the Superior Court in the California county where the fetal death was alleged to have occurred.
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How do I petition the court?

- California Department of Public Health – Vital Records (CDPH-VR) suggests you contact a family law attorney for legal advice in this matter. CDPH-VR's staff cannot provide legal advice, nor does CDPH-VR's staff have information about the legal process.
 - There are also books available at bookstores or public libraries to help you with the court process.
 - You can also access the following website for additional information about the court process: www.courts.ca.gov.
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After I get the court order, what do I submit to register the fetal death?

- At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Fetal Death/Court Order Delayed Registration of Fetal Death (VS 105 form), along with any documents you have that support the date and place of the fetal death. Please see page 3 for information on obtaining a form.
- Once the court establishes the fact of fetal death, mail the following items to the CDPH-VR office using the address on the front of this pamphlet:
 - **Certified** copy of the Order Establishing Fact of Fetal Death (top of VS 105 form).
 - Completed Court Order Delayed Registration of Fetal Death (bottom of VS 105 form).
 - \$23 fee
 - Completed fetal death application (VS 12) – a form is attached (Sworn Statement is **not** needed since a court order is required).
- See next section for explanation of “certified” copy.
- CDPH-VR does not return the court order after the fetal death certificate is prepared. Keep copies of documents submitted.
- ***If any of these items are not included, your request will be be returned to you for correction.***

What is a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - a. An **original** court seal.
 - b. A signature (or signature stamp) of the judge.
 - c. A signature (or signature stamp) of the court clerk.

IMPORTANT:

- ✓ The “certified” copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It is the **original** seal and court clerk signature (certification) that make this a “certified” copy.
- ✓ Do not send CDPH-VR a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- ✓ The court seal and a certified stamp with the date and a signature must appear on the actual certified copy of the Order Establishing the Fact of Fetal Death (either front or back) – and not on the Court Order Delayed Registration of Fetal Death form or a blank sheet of paper.
- ✓ The “FILED / ENDORSED” stamp in the top right corner of the court order **is not** the court clerk’s certification.
- ✓ You should keep a photocopy of the court order for your own file.

What is the fee for a court order delayed registration?

- \$23 – which includes one Certified Copy of the fetal death certificate.
- Additional copies are \$18 each.
- Fees should be paid by check or money order payable to **CDPH Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

Where can I get the VS 105 form?

One VS 105 form is included if you receive this pamphlet by mail. If you need additional copies of the VS 105 form, or are accessing this pamphlet on the CDPH-VR website:

- Download a fillable form at: <http://www.cdph.ca.gov/pubsforms/forms/CtrldForms/VS105.pdf>. Instructions for completing the PDF fillable form can be found at the following link: [PDF VR Forms: Prepare, Print & Submit Instructions](#).
- Order paper forms electronically to be mailed to you at: <https://apps.cdph.ca.gov/AutoForm2/default.aspx?af=1184>. Because of the volume of phone calls CDPH-VR receives, the Internet is usually a faster process for customers than calling the Customer Service Unit.
- Call the Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

How do I complete the VS 105 form?

A sample of what a completed form should look like is attached.

The VS 105 is a two-part perforated form.

- The top part is the court order that will be signed by the judge.
- The bottom part becomes the official fetal death certificate that will be filed in the CDPH-VR office (State Registrar) and provided to the County Recorder's Office in the county where the fetal death occurred.

PART ONE (Top Portion) – Order Establishing Fact of Fetal Death

- Complete all items except the judge's signature and the line at the bottom that states "Done in this court this ____ day of ____ A.D., 20____."
- Your reason for having to file the fetal death by court order **must** be included on the Order (middle of the form, on the line that begins "in that"). If the reason is not included, you will have to return to court, have the Order amended, and provide CDPH-VR with a certified copy of the amended Order.

Before you leave the courthouse, make sure:

- There is a case number on the Order.
- The Order has been **certified**. (See previous section for explanation of "certified" copy.)

(Continued)

How do I Complete the VS 105 form?

(Continued)

CDPH-VR does not return the court order after the fetal death certificate is prepared. Keep copies of documents submitted.

PART TWO (Bottom Portion) – Court Order Delayed Registration of Fetal Death

- Do not write on the “State File Number” line (directly below perforation) or on the bottom part of the form marked “State Registrar Use Only.”
- Complete items 1A through 26 only.

What makes a VS 105 form “acceptable?”

Important Information

Fetal death certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability.

Because the bottom part of the VS 105 form becomes the actual fetal death certificate, it must adhere to strict guidelines:

- Items 1A through 26 must be completed.
- The form must be completed using the 26 alphabetical characters of the English language.
- Appropriate punctuation includes: a hyphen such as in “Smith-Jones,” an apostrophe as in “O’Hare,” a period as used with “Jr.,” and a comma as with “Smith, Jr.”
- Unacceptable entries include: drawings, pictures, or symbols such as ☺, ♥, or ∞, and accents or marks added to a letter to indicate pronunciation or to distinguish it in some way, such as with è, ñ, ē, or ç.
- Because the form becomes the official record, every word and letter must be extremely clear and legible. ***Typing entries on the form ensures that the information is interpreted clearly.***
- If you are completing the downloadable form, print on standard 8½” x 11” letter size, plain white paper, using black ink only, at 100% scale.
- If you are not able to type the form, it is extremely important that you take the extra time to print ***very clearly and legibly***. Documents that are not legible will be returned to you to complete again.

(Continued)

What makes a VS 105 form “acceptable?”

(Continued)

- ***Only black ink is acceptable*** (per Health and Safety Code Section 102125).
- ***There cannot be any erasures, whiteout, or alterations.***

How long will it take to get the fetal death certificate?

The processing time for court order delayed fetal death registration is located on the CDPH-VR website at:

<http://www.cdph.ca.gov/certlic/birthdeathmar/Pages/ProcessingTimes.aspx>

What if I still have questions?

If you have read this pamphlet thoroughly and still have questions that were not answered, please call the Customer Service Unit at (916) 445-2684. If you are checking the status of your request, please wait until after the processing time has passed before contacting CDPH-VR.

ORDER ESTABLISHING FACT OF FETAL DEATH

In the Superior Court of the State of California

In and for the County of _____

In the matter of the petition of

_____ Number _____

To establish the fact of fetal death of

Department _____

(SAMPLE
TOP OF FORM)

The verified petition of _____ to establish the fact of fetal death of _____ having been

filed herein on the _____ day of _____, A.D., 20_____, and such petition having by an order of court been duly set for hearing on the _____ day of _____, A.D., 20_____, at the hour of _____ o'clock _____ m. of said day; and now on said day said matter coming on regularly for hearing and it appearing to the satisfaction of this court from the evidence introduced that the said _____

_____, petitioner herein, is beneficially interested in establishing of record the fact of the fetal death of said _____, in that _____

_____ ; and it appearing that on the _____ day of _____, A.D., 20_____, the fetal death of _____ occurred at _____, in the County of _____, State of _____; that said fetal death has not been registered in conformity with the provisions of law in effect at the time of said fetal death or such record has been lost or destroyed after having been filed; and no one appearing at said hearing to oppose the making of this order;

It is therefore ordered, adjudged, and decreed that on the _____ day of _____, A.D., 20_____, the fetal death of _____ occurred at _____, County of _____, State of _____.

Done in court this _____ day of _____, A.D., 20_____.

Judge of the Superior Court

Before filing the above order, insert in the certificate form below, as of the date of the fetal death, the personal and statistical particulars required for the records of the State Registrar. A certified copy of the above order must be filed with the State Registrar before the order shall become effective. **USE BLACK INK ONLY.**

**COURT ORDER DELAYED REGISTRATION OF FETAL DEATH
STATE OF CALIFORNIA**

NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

STATE FILE NUMBER _____

LOCAL REGISTRATION NUMBER _____

TYPE OR PRINT CLEARLY IN BLACK INK ONLY – THIS FORM BECOMES THE OFFICIAL FETAL DEATH RECORD

| | | | | | | |
|---------------------------------|--|-----------------------------------|--|--|-------------------------------------|----------------------------------|
| THIS FETUS | 1A. NAME—FIRST | | 1B. MIDDLE | | 1C. LAST | |
| | 2. SEX | 3A. THIS FETUS SINGLE, TWIN, ETC. | 3B. IF MULTIPLE, THIS FETUS 1ST, 2ND, ETC. | | 4A. DATE OF EVENT—MM/DD/CCYY | 4B. HOUR—24 HOUR CLOCK TIME |
| PLACE OF EVENT | 5A. PLACE OF EVENT—NAME OF HOSPITAL OR FACILITY | | | 5B. ADDRESS—STREET AND NUMBER, OR LOCATION | | |
| | 5C. CITY | | | 5D. COUNTY | | |
| FATHER/PARENT | 6A. NAME OF FATHER/PARENT—FIRST | | 6B. MIDDLE | | 6C. LAST (BIRTH) | |
| | | | | | 7. BIRTH STATE/ FOREIGN COUNTRY | 8. DATE OF BIRTH— MM/DD/CCYY |
| MOTHER/PARENT | 9A. NAME OF MOTHER/PARENT—FIRST | | 9B. MIDDLE | | 9C. LAST (BIRTH) | |
| | | | | | 10. BIRTH STATE/ FOREIGN COUNTRY | 11. DATE OF BIRTH— MM/DD/CCYY |
| FUNERAL DIRECTOR | 12A. DISPOSITION(S) | | 12B. PLACE OF DISPOSITION | | 12C. DATE OF DISPOSITION—MM/DD/CCYY | |
| | 13A. SIGNATURE OF EMBALMER ▶ | | 13B. PRINTED NAME | | 13C. EMBALMER'S LICENSE NUMBER | |
| | 14A. NAME OF FUNERAL ESTABLISHMENT (OR PERSON ACTING IN LIEU OF FUNERAL DIRECTOR) | | | | 14B. LICENSE NUMBER | |
| | 15. OFFICE OF VITAL RECORDS | | | | | |
| STATE REGISTRAR USE ONLY | OFFERED FOR FILING PURSUANT TO ORDER NUMBER _____ OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF _____, MADE THE _____ DAY OF _____, A.D., 20____, ESTABLISHING OF RECORD THE FACT OF FETAL DEATH IN THE STATE OR COUNTRY OF _____. NO FETAL DEATH CERTIFICATE HAS BEEN FOUND ON FILE IN THE OFFICE OF VITAL RECORDS FOR THE ABOVE FETUS. | | | | | |
| | 15. OFFICE OF VITAL RECORDS | | | | | |

CONFIDENTIAL INFORMATION FOR PUBLIC HEALTH USE ONLY

| | | | | | |
|--|--|--|---|--|------------------------------------|
| CAUSE OF FETAL DEATH | 17. FETAL DEATH WAS CAUSED BY: | | 18. WAS DEATH REPORTED TO CORONER? | | |
| | IMMEDIATE CAUSE (A) | | <input type="checkbox"/> YES _____ <input type="checkbox"/> NO REFERRAL NUMBER | | |
| | DUE TO (B) | | 19A. WAS AUTOPSY PERFORMED? | | |
| | DUE TO (C) | | <input type="checkbox"/> YES _____ <input type="checkbox"/> NO | | |
| 19B. WAS IT USED IN DETERMINING CAUSE OF DEATH? | | | | | |
| <input type="checkbox"/> YES _____ <input type="checkbox"/> NO | | | | | |
| 20. OTHER SIGNIFICANT CONDITIONS OF FETUS OR BIRTH MOTHER CONTRIBUTING TO FETAL DEATH BUT NOT RELATED TO CAUSE GIVEN IN ITEM 17. | | | | | |
| GENETIC FATHER | 21. HISPANIC, LATINO, OR SPANISH? (IF YES, SPECIFY ORIGIN) | | 22. RACE—Up to 3 Races/Ethnicities May Be Listed | | 23. EDUCATION—Highest Level/Degree |
| | YES <input type="checkbox"/> _____ NO <input type="checkbox"/> | | | | |
| GENETIC MOTHER | 24. HISPANIC, LATINA, OR SPANISH? (IF YES, SPECIFY ORIGIN) | | 25. RACE—Up to 3 Races/Ethnicities May Be Listed | | 26. EDUCATION—Highest Level/Degree |
| | YES <input type="checkbox"/> _____ NO <input type="checkbox"/> | | | | |

APPLICATION FOR CERTIFIED COPY OF FETAL DEATH RECORD

INFORMATION:

Fetal death records have been maintained in the California Department of Public Health Vital Records since July 1, 1905.

INSTRUCTIONS:

1. Complete a separate application for each fetal death record requested.
2. Complete the **Applicant Information** section and provide your signature where indicated. In the **Fetal Death Information** section, provide all the information you have available to identify the fetal death record. If the information you furnish is incomplete or inaccurate, we may not be able to locate the record.
3. Submit \$18 for **each** copy requested. If no fetal death record is found, the fee will be retained for searching the record (as required by law) and a “Certificate of No Public Record” will be issued to the applicant. Indicate the number of copies you want and include the correct fee(s) in the form of a personal check or postal or bank money order (International Money Order for out-of-country requests) made payable to **CDPH Vital Records**. **PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).
4. Mail completed applications with the fee(s) to:

California Department of Public Health
 Vital Records – MS 5103
 P.O. Box 997410
 Sacramento, CA 95899-7410
 (916) 445-2684

PLEASE ATTACH CHECK HERE

Fee: **\$18 per copy** (payable to CDPH Vital Records). **PLEASE SUBMIT CHECK OR MONEY ORDER – DO NOT SEND CASH** (CDPH cannot be held responsible for fees paid in cash that are lost, misdirected, or undelivered).

APPLICANT INFORMATION (PLEASE PRINT OR TYPE) Today's Date:

| | | | | |
|---|----------|---|--------------------|------------------|
| Agency Name (if applicable) | | Agency Case Number | Inmate ID Number | |
| Print Name of Applicant | | Signature of Applicant | Purpose of Request | |
| Mailing Address – Number, Street | | Amount Enclosed – DO NOT SEND CASH \$ _____ Check \$ _____ Money Order | | Number of Copies |
| City | | Name of Person Receiving Copies, if Different from Applicant | | |
| State/Province | ZIP Code | Mailing Address for Copies, if Different from Applicant | | |
| Daytime Telephone (include area code) () | Country | City | State | ZIP Code |

FETAL DEATH INFORMATION (PLEASE PRINT OR TYPE)
Complete information below as shown on the fetal death record, to the best of your knowledge.

| | | | | |
|--|--|--------------------|---|--|
| FETAL DEATH FIRST Name | | MIDDLE Name | LAST Name | |
| City of Fetal Death (must be in California) | | | County of Fetal Death | |
| Date of Fetal Death – MM/DD/CCYY (If unknown, enter approximate date of fetal death) | | | Sex _____ Female _____ Male | |
| Father/Parent FIRST Name | | MIDDLE Name | LAST Name (Before Marriage/Domestic Partnership) | |
| Mother/Parent FIRST Name | | MIDDLE Name | LAST Name (Before Marriage/Domestic Partnership) | |

CALIFORNIA COUNTY RECORDERS

| | |
|--------------------------------|---|
| Alameda..... | 1106 Madison Street, First Floor, Oakland, CA 94607, (510) 272-6362 |
| Alpine..... | 99 Water Street, or P.O. Box 155, Markleeville, CA 96120, (530) 694-2283 |
| Amador..... | 810 Court Street, Jackson, CA 95642, (209) 223-6468 |
| Butte..... | 155 Nelson Avenue, Oroville, CA 95965, (530) 538-7691 |
| Calaveras..... | 891 Mountain Ranch Road, San Andreas, CA 95249, (209) 754-6372 |
| Colusa..... | 546 Jay Street, Suite 200, Colusa, CA 95932, (530) 458-0500 |
| Contra Costa..... | 555 Escobar Street, or P.O. Box 350, Martinez, CA 94553, (925) 335-7910 |
| Del Norte..... | 981 H Street, Suite 160, Crescent City, CA 95531, (707) 464-7216 |
| El Dorado..... | 360 Fair Lane, Placerville, CA 95667, (530) 621-5490 |
| Fresno..... | 2281 Tulare Street, Room 302, or P.O. Box 766, Fresno, CA 93712, (559) 600-3476 |
| Glenn..... | 516 West Sycamore Street, Second Floor, Willows, CA 95988, (530) 934-6412 |
| Humboldt..... | 825 Fifth Street, Fifth Floor, Eureka, CA 95501, (707) 445-7382 |
| Imperial..... | 940 West Main Street, Suite 202, El Centro, CA 92243, (760) 482-4272 |
| Inyo..... | 168 North Edwards Street, or P.O. Drawer F, Independence, CA 93526, (760) 878-0222 |
| Kern..... | 1655 Chester Avenue, Bakersfield, CA 93301, (661) 868-6400 |
| Kings..... | Government Center, 1400 West Lacey Boulevard, Hanford, CA 93230, (559) 582-3211, ext. 2470 |
| Lake..... | Courthouse, 255 North Forbes Street, Lakeport, CA 95453, (707) 263-2293 |
| Lassen..... | 220 South Lassen Street, Suite 5, Susanville, CA 96130, (530) 251-8234 |
| Los Angeles..... | 12400 Imperial Highway, Norwalk, CA 90650, (800) 201-8999 or (562) 462-2137 |
| Madera..... | 200 West Fourth Street, Madera, CA 93637, (559) 675-7724 |
| Marin..... | 3501 Civic Center Drive, Suite 232, San Rafael, CA 94903, (415) 473-6094 |
| Mariposa..... | Hall of Records Building, 4982 Tenth Street, or P.O. Box 35, Mariposa, CA 95338, (209) 966-5719 |
| Mendocino..... | 501 Low Gap Road, Room 1020, Ukiah, CA 95482, (707) 234-6822 |
| Merced..... | 2222 M Street, Merced, CA 95340, (209) 385-7627 |
| Modoc..... | 204 South Court Street, Room 106, Alturas, CA 96101, (530) 233-6205 |
| Mono..... | 74 School Street, Annex 1, or P.O. Box 237, Bridgeport, CA 93517, (760) 932-5530 |
| Monterey..... | 168 West Alisal Street, First Floor, or P.O. Box 29, Salinas, CA 93902, (831) 755-5041 |
| Napa..... | 900 Coombs Street, Room 116, or P.O. Box 298, Napa, CA 94559-0298, (707) 253-4105 |
| Nevada..... | 950 Maidu Avenue, Suite 210, Nevada City, CA 95959, (530) 265-1221 |
| Orange..... | 12 Civic Center Plaza, Room 101, or P.O. Box 238, Santa Ana, CA 92702-0238, (714) 834-2500 |
| Placer..... | 2954 Richardson Drive, Auburn, CA 95603, (530) 886-5600 |
| Plumas..... | 520 Main Street, Room 102, Quincy, CA 95971, (530) 283-6218 or (530) 283-6256 |
| Riverside..... | 2724 Gateway Drive, or P.O. Box 751, Riverside, CA 92502-0751, (951) 955-6200 |
| Sacramento..... | 600 Eighth Street, or P.O. Box 839, Sacramento, CA 95812-0839, (916) 874-6334 |
| San Benito..... | County Courthouse, 440 Fifth Street, Room 206, Hollister, CA 95023, (831) 636-4046 |
| San Bernardino..... | 222 West Hospitality Lane, First Floor, San Bernardino, CA 92415-0022, (855) 732-2575 |
| San Diego..... | 1600 Pacific Highway, Suite 260, or P.O. Box 121750, San Diego, CA 92112-1750, (619) 237-0502 |
| San Francisco..... | One Dr. Carlton B. Goodlett Place, City Hall, Room 190, San Francisco, CA 94102, (415) 554-5596* |
| San Francisco Health Dept..... | 101 Grove Street, Room 105, San Francisco, CA 94102, (415) 554-2700** |
| San Joaquin..... | 44 North San Joaquin Street, Suite 260, or P.O. Box 1968, Stockton, CA 95201-1968, (209) 468-3939 |
| San Luis Obispo..... | 1055 Monterey Street, Room D120, San Luis Obispo, CA 93408, (805) 781-5080 |
| San Mateo..... | 555 County Center Drive, First Floor, Redwood City, CA 94063-1665, (650) 363-4500 |
| Santa Barbara..... | 1100 Anacapa Street, or P.O. Box 159, Santa Barbara, CA 93102-0159, (805) 568-2250 |
| Santa Clara..... | 70 West Hedding Street, East Wing, First Floor, San Jose, CA 95110, (408) 299-5688 |
| Santa Cruz..... | 701 Ocean Street, Room 230, Santa Cruz, CA 95060, (831) 454-2800 |
| Shasta..... | 1450 Court Street, Suite 208, Redding, CA 96001-1670, (530) 225-5678 |
| Sierra..... | 100 Courthouse Square, Room 11, or P.O. Drawer D, Downieville, CA 95936, (530) 289-3295 |
| Siskiyou..... | 311 Fourth Street, Room 107, Yreka, CA 96097, (530) 842-8065 |
| Solano..... | 675 Texas Street, Suite 2700, Fairfield, CA 94533-6338, (707) 784-6294 |
| Sonoma..... | 585 Fiscal Drive, Room 103-F, or P.O. Box 1709, Santa Rosa, CA 95402, (707) 565-2651 |
| Stanislaus..... | 1021 I Street, Suite 101, or P.O. Box 1670, Modesto, CA 95353-1670, (209) 525-5250 |
| Sutter..... | 433 Second Street, Yuba City, CA 95991, (530) 822-7134 |
| Tehama..... | 633 Washington Street, Room 11, or P.O. Box 250, Red Bluff, CA 96080, (530) 527-3350 |
| Trinity..... | 11 Court Street, or P.O. Box 1215, Weaverville, CA 96093, (530) 623-1215 |
| Tulare..... | County Civic Center, 221 South Mooney Boulevard, Room 103, Visalia, CA 93291, (559) 636-5050 |
| Tuolumne..... | 2 South Green Street, Third Floor, Sonora, CA 95370, (209) 533-5531 |
| Ventura..... | Hall of Administration, Main Plaza, 800 South Victoria Avenue, Ventura, CA 93009-1260, (805) 654-3665 |
| Yolo..... | 625 Court Street, Room B01, or P.O. Box 1130, Woodland, CA 95776-1130, (530) 666-8130 |
| Yuba..... | 915 Eighth Street, Suite 107, Marysville, CA 95901, (530) 749-7850 |

* Public Marriages

** Birth and Death Certificates